

CITY OF HARRODSBURG

ZONING ORDINANCE

With Integrated Text Amendments

Through September 12, 2005

Record of Amendments to this Ordinance

Amendment	Dealing with Section	Adoption Date
Provisions Relating To Townhouse Dwelling Units	4.1 & 4.3	3/10/1998
Incidental Home Occupation Uses in Residential Districts	4.1	1/12/1999
Amended Regulations of Bed & Breakfast and Associated Business	4.1 & 4.2	7/25/2005
Application Fee to Construct a Wireless Communications Facility	Add Section 7.4	9/12/05

APPENDIX A
ZONING ORDINANCE
FOR THE
CITY OF HARRODSBURG, KENTUCKY

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ARTICLE I. ENACTMENT, TITLE, PURPOSE

1.1 Short Title

This ordinance shall be known and may be cited as; "The Harrodsburg, Kentucky Zoning Ordinance." The zoning map referenced to herein is entitled;"Zoning Map-Harrodsburg, Kentucky."

1.2 Effective Date

This ordinance shall become effective immediately upon its adoption, the general welfare demanding it.

1.3 Authority

The power to enact this ordinance is granted to this municipality under the authority of Kentucky Revised Statutes, Section 100.201 (1966).

* Editor's note - Printed herein is the proposed zoning ordinance for the City of Harrodsburg, Kentucky. It consists of the zoning ordinance adopted by the City Commission on April 8, 1969, together with proposed amendments which were furnished to the editor at the time the Code or Ordinances was to be printed. This ordinance will not be in effect as herein printed until it is adopted according to the procedure in Article X of such ordinance.

Cross references - Buildings and building regulations, Ch. 4; building numbering, § 4-71 et seq.; zoning enforcement officer appointed to administer flood damage prevention, § 8-26 et seq.; parking, stopping and standing, §16-31. et seq.

State law references-Planning and Zoning, KRS Ch. 100; zoning authorized. KRS 100.201.

1.4 Purpose, objectives, and goals

It is the intent, purpose, and scope of this ordinance to promote and protect the health, safety, morals, or general welfare of the City by empowering it to regulate and restrict the height, number of stories, and size of buildings and other structures, the percentage of lot that may be occupied, the size of yards, courts and other open spaces, the density of population and the location and use of buildings, structures, and land for trade, industry, residence, or other purposes.

The objectives and goals of this ordinance are to provide for the harmonious and orderly development of the City in accordance with the Comprehensive Plan of Harrodsburg, Kentucky.

1.6 Interpretation

This Zoning Ordinance shall be strictly construed and may not be extended by implication except where the intention of the (commission) must prevail. In their interpretation and application, the provisions of this ordinance shall be held to be minimum requirements. Whenever this ordinance imposes a greater restriction than is imposed or required by other provisions of law or by other rules or regulations or resolutions or ordinances, the provisions of this ordinance shall govern.

1.6 Severability clause

If any word or words, phrase or phrases, sentence or sentences of this ordinance should be declared unconstitutional, it shall not thereby invalidate any other portion of this ordinance.

1.7 Application of regulations

All existing and future structures and uses or premises within the City of Harrodsburg shall conform with all applicable provisions of this ordinance. Each zoning district is established to permit only those uses specifically listed as permitted, except as hereinafter provided under the non-conforming provisions, and is intended for the protection of those uses. No other uses are permitted.

ARTICLE II. GENERAL REGULATIONS

2.1 Definitions

Unless otherwise stated, the following words shall, for the purpose of this ordinance, have the meanings herein indicated. Words used in the present tense include the future. Words used in the singular number include the plural, and words used in the plural include the singular. The word "person" includes a firm, partnership or corporation. The word "shall" is mandatory and not directory. The word "used" or the word "occupied" as applied to any land or building shall be construed to include the words "Intended, arranged or designed to be used or occupied."

Accessory use: A use customarily incidental to the use of a building for dwelling purposes and including the office or studio of a physician or surgeon, dentist, artist, musician, lawyer, architect, teacher or similar professional person residing on the premises; workshops not conducted for profit and customary home occupations such as millinery, dressmaking and hairdressing conducted by a person or persons residing on the premises.

Agricultural use: The use of a tract of at least five (5) contiguous acres for the production of agricultural or horticultural crops, including but not limited to livestock, livestock products, poultry, poultry products, grain, hay, pastures, soybeans, tobacco, timber, orchard fruits, vegetables, flowers or ornamental plants, including provision for dwellings for persons and their families who are engaged in the above agricultural use on the tract, but not including residential building development for sale or lease to the public.

Alley: Any public or private way less than twenty (20) feet in width which is set aside as a permanent right-of-way for public travel and which serves as a secondary means of access to abutting property. In the event a public or private way is designated as an "alley" by name, its width shall determine whether it is an "alley" or a "street" within this definition.

Alteration of building: Any change in the supporting members of a building such as bearing walls, columns and girders except such change as may be required for its safety; and addition to a building; and change in use from that of one district classification to another; or any movement of a building from one location to another.

Block: The length of a street between two street intersections or, where the distance between street intersections is greater than fourteen hundred (1400) feet, a street length of not less than one thousand (1000) feet.

Building: Any, structure having a roof supported by columns or walls and intended for shelter, housing or enclosure of persons, animals or chattels. The word "building" shall include lunch wagons, dining cars, mobile homes and similar structures whether stationary or movable.

Principal building: A building, including covered porches, carports and attached garages, in which is conducted the main or principal use of the lot on which said dwelling shall be deemed to be the principal building on the lot on which it is lofted.

Accessory structure: A detached building which is subordinate to the principal or main building on the lot and which is used for purposes customarily incidental to those of the principal building.

Center line of street: The line surveyed and monumented by the governing body as the center of the street right-of-way. If the center line has not been surveyed and monumented, it shall be the line running midway between the outside curbs or fences along such street.

Conditional use: A use which is essential to or would promote the public health, safety, or welfare in one (1) or more zones, but which would impair the integrity and character of the zone in which it is lofted, or adjoining zones, unless restrictions on location, size, extent, and character of performance are imposed in addition to those imposed in the zoning regulation.

Consumer service: Sale of any service to individual customers for their own personal benefit, enjoyment, or convenience, and for fulfillment of their own personal needs.

Dwelling: A building designed, arranged, or used for permanent living quarters for one or more families and including but not limited to residences and apartment buildings. The word "dwelling" shall not include hotels or motels or other structures designed or used for transient residence, house trailers, the portions of tourist homes used for transient residence or the portions of boarding or rooming houses used for transient residence.

Dwelling unit (DU): A single unit providing complete, independent living facilities for one or more persons, including permanent provisions for living, sleeping, eating, cooking, and sanitation.

Garage: A structure used for, or designed, arranged or intended to be used for, housing or caring for automobiles, other self-propelled vehicles and trailers.

Private garage: A garage used by persons residing on the premises for storage only and in which no industry or business is conducted.

Public garage: Any garage which is open to the public, operated for profit, and used for storage, repair, rental, greasing, washing, servicing or equipping of automobiles, other motor vehicles and trailers.

Height of building: The vertical distance measured from the established average sidewalk grade or street grade of finished grade at the building line, whichever is highest, to the highest point of the building.

Home occupation: An occupation or profession for gain or support conducted entirely within a dwelling by a member or members of a family residing on the premises and which provides regular employment for not more than one person who does not reside on the premises.

Lot: A portion, parcel or plot of land devoted to a common use or a portion, parcel or plat of land occupied by a single building, a single building with customary accessory buildings, or a group of buildings devoted to a common use, including the open spaces required under this ordinance and having its principal frontage on a dedicated street.

Corner lot: A lot which abuts on two intersecting streets at their intersection.

Double frontage lot: Any lot other than a corner lot which abuts on two streets.

Interior lot: Any lot other than a corner lot and including double frontage lots.

Lot Depth: The distance from the mid-point of the front lot line to the rear lot line measured in the mean direction of the side lot lines.

Lot line: The boundary dividing a given lot from a street, an alley, an adjoining lot, or an adjoining tract of un subdivided land.

Front lot line: The boundary between an interior lot and the right-of-way of a street. In the case of a corner lot or a double frontage lot, the "front lot line" shall be the boundary between the lot and the right-of-way of the street determined to be the side street or rear street respectively.

Rear lot line: The lot line opposite the front lot line, or the lot line opposite the lot line determined to be the front lot line in the case of a double frontage lot. In the case of a triangular lot or other nonrectangular lot, the "rear lot line" shall mean a line within the lot, ten (10) feet long, parallel to, and at the maximum distance from the front lot line.

Side lot line: Any lot line which is not a front lot line or a rear lot line.

Lot of record: Any lot within the present incorporated limits of the City of Harrodsburg which is duly recorded and on file in the office of the County Clerk as a separate unit of land at the time of the enactment of this ordinance, or any lot in any area annexed by the City of Harrodsburg after the enactment of this ordinance which is duly recorded and on file in the office of the county clerk as a separate unit of land at the time of annexation.

Lot width: The distance between side lot lines measured from points on the side lot lines at a distance from the front lot line equal to the front yard depth required in the district in which the lot is located.

Mobile home: Any vehicle, trailer or similar portable structure, with or without its own motive power, having no integral foundation other than wheels, jacks, or skirtings, and used, designed or constructed to be used as a conveyance on the public streets and designed or constructed to permit occupancy either permanent or temporary, for dwelling or sleeping purposes. The term "mobile home" when applicable, shall include the terms trailer, trailer coach, trailer cabin, camper, and similar terms.

Mobile home court or park: Any parcel of land developed, used or designed to be used for the location, either temporary or permanent, of mobile homes.

Nonconforming use or structure: An activity or a building, sign, structure or a portion thereof which lawfully existed before the adoption or amendment of the zoning regulation, but which does not conform to all of the regulations contained in the zoning regulation which pertain to the zone in which it is located.

Non-retail commercial: Commercial sales and services to customers who intend resale of the products or merchandise sold or handled. For example, non-retail commercial includes wholesaling, warehousing, trucking terminals, and similar commercial enterprises.

Open space: An unoccupied space open from the ground to the sky.

Parking space: The area required for parking one automobile which shall be a minimum of ten (10) feet wide and twenty (20) feet long, not including passageways.

Planned development project: A complex of structures and uses planned as an integral unit of development rather than as single structures on single lots.

Plat: A map, plan or layout of a city, town, section or subdivision indicating the location and boundaries of individual properties.

Premises: A lot or other tract of land under one ownership and all the structures on it.

Professing: Manufacturing, packaging, repairing, cleaning, and any other similar original or restorative treatment applied to raw materials, products, or personal property. Professing does not refer to the fabrication of structures.

Public Service Building: Any building necessary for the operation and maintenance of a utility.

Service Station: A building, buildings, premises or portions thereof which are used or arranged, designed, or intended to be used for the retail sale of gasoline or other motor vehicle, motor boat, or aircraft fuel.

Single Family: An individual, two or more persons related by blood or marriage, or a group of not more than five (5) persons, who need not be related by blood or marriage, living together as a single housekeeping unit in a dwelling unit. The word “family” shall not include groups of more than five (5) persons occupying nursing homes, club houses, fraternity houses, sorority houses, dormitories, barracks, or nurses homes although a portion of a building in this category may consist of one or more dwelling units occupied by a “family” or “families”.

Story: The part of a building included between any floor and the floor or roof next above.

Street: Any public or private way twenty (20) feet or more in width set aside as a permanent right-of-way for vehicular travel by the general public and affording the principal means of access to abutting property. The word “street” shall include the words “highway”, “road”, “pike”, “avenue”, “boulevard”, “lane”, “place”, “drive”, “court”, and similar terms, but shall not include “limited-access highway”, “controlled-access highway” or similar terms used to designate highways which do not afford direct access to abutting property. In the event a public or private way is designated an “alley” by name, its width shall determine whether it is a “street” or an “alley” within this definition.

Street right-of-way line: The dividing line between a lot and the right-of-way of a public street, or the dividing line between a lot and the right-of-way of a private street over which two (2) or more dominant estates have the right-of-way.

Structure: Any constructed or erected material or combination of materials, the use of which requires more or less permanent location on the ground. The term “structure” includes but is not limited to, building, sheds, storage bins, fences, billboards and signs, stadiums, swimming pools, and tents.

Total floor area: The area of all floors of a building including finished attics, finished basements and covered porches.

Tourist home: A dwelling in which overnight accommodations are provided or offered for transient guests for compensation.

Use: The purpose or activity for which a building, structure or land is occupied, designed, constructed or maintained.

Variance: A departure from dimensional terms of the zoning regulation pertaining to the height, width, or location of structures, and the size of yards and open spaces where such departure meets the requirements of KRS 100.241 to 100.247.

Yard: An open space on the same lot with a principal building, unoccupied and unobstructed by buildings or structures from the ground to the sky except where encroachments and accessory buildings are expressly permitted by the provisions of this ordinance.

Front yard: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and measured between the front lot line and nearest part of the principal building.

Rear yard: An open, unoccupied space on the same lot with a principal building, extending the full width of the lot, and measured between the rear lot line and nearest part of the principal building.

Side yard: An open, unoccupied space on the same lot with a principal building, measured between the side lot line and the nearest part of the principal building and extending from the rear line of the front yard to the front line of the rear yard.

GENERAL REGULATIONS FOR STRUCTURES AND USES

2.2 Nonconforming uses

Lawful nonconforming uses existing at the time of the enactment of this ordinance or any amendment thereto may be continued subject to the following provisions.

1. A nonconforming use shall not be changed to any but a conforming use. When a nonconforming use has been changed to a conforming use, it shall not be changed again to any nonconforming use.
2. A nonconforming use of a building or buildings shall not be expanded, enlarged or extended to include either additional land or buildings after the enactment or subsequent amendment of this ordinance.
3. A nonconforming use of land shall not hereafter be extended over a larger land area than the area utilized for the nonconforming use at the time of the enactment or subsequent amendment of this ordinance.
4. A building or structure housing a nonconforming use shall not be structurally altered. This provision shall not be construed to prevent normal maintenance and repairs or alterations required for structural safety.
5. When a nonconforming use of any building, structure or land has been discontinued for a period of twelve (12) consecutive months, it shall not be re-established or changed to any use not in conformity with the provisions of the district in which it is located. Non-operative status or vacating of the premises or building shall be evidence of a discontinued use.
6. The zoning board of adjustment shall have the power to decide whether any building or structure containing a nonconforming use which is damaged by fire, flood, wind or other act of God or man to the extent of sixty (60) percent or more exclusive of foundations of its fair sales value immediately prior to damage shall

be repaired or reconstructed except in conformity with the provisions of this ordinance.

7. Any building or structure containing nonconforming use which is damaged by fire, flood, wind or other act of God or man to an extent of more than twenty-five (25) per cent but less than fifty (50) per cent of its fair sale value immediately prior to damage shall not be repaired or reconstructed except in conformity with this ordinance unless such reconstruction or repair takes place within twelve (12) months of the damage. In the event of dispute, the extent of damage or fair sales value shall be determined in the manner set forth in subsection 6.
8. No building or structure designed or intended to be utilized for a nonconforming use shall be constructed or allowed unless construction is already underway at the time of the enactment or subsequent amendment of the ordinance and is being diligently prosecuted so that such building or structure will be completed within eighteen (18) months from the time of the enactment or subsequent amendment of this ordinance. All outstanding building permits for construction which do not meet these requirements shall be rendered null and void by the enactment or subsequent amendment of this ordinance.

2.3 Nonconforming buildings and structures

Lawful nonconforming buildings and structures existing at the time of the passage of this ordinance or any amendment thereto shall be allowed to remain subject to the following provisions.

1. A nonconforming building or structure shall not be extended or enlarged unless such extension or enlargement complies with all of the requirements of this ordinance for the district in which it is located.
2. The zoning board of adjustment shall have the power to decide whether any building or structure containing a nonconforming use which is damaged by fire, flood, wind or other act of God or man to the extent of sixty (60) per cent or more of its fair sales value immediately prior to damage shall be repaired or reconstructed except in conformity with the provisions of this ordinance.

2.3 Discontinuance of nonconforming uses

All nonconforming junk yards, automobile graveyards, lumber yards, coal and fuel yards, used automobile sales lots, machinery and equipment storage and sales yards, free standing signs and billboards and similar uses or open land not involving an investment in permanent buildings and facilities of fifty (50) percent or more of the assessed valuation for tax purposes of the land on which they stand shall be torn down, altered or otherwise made to conform with the provisions and regulations of this ordinance within one (1) year of the date of its enactment or subsequent amendment.

2.4 Conditional use regulations

Conditional uses may be permitted in districts as designated under the zoning district regulations but only when specifically approved by the board of zoning adjustment in accordance with KRS 100.237. Subdivisions, when permitted, shall be subject to the respective regulations governing their approval. All other conditional uses shall be subject to the following regulations:

- A. **All districts:** The following conditional uses only may be approved in all zoning districts:
 - 1. Non local public utility and private transmission lines and pipes;
 - 2. Radio, T.V. and telephone transmission structures;
 - 3. Large utility structures and public service buildings;
 - 4. Expansion of railroads and appurtenances;
 - 5. Government buildings and uses;
 - 6. Churches and libraries.
- B. **Specified districts:** Other conditional uses may be approved only in those zoning districts where they are designated as conditional uses under the zoning district regulations.
- C. **Procedure:** An applicant shall submit an application for a conditional use permit to the enforcement officer. The administrative official shall refer the application to the board of zoning adjustment. The board of zoning adjustment is authorized by KRS 100.237 to grant, modify, or deny a conditional use permit. Payment of a fee shall be required of the applicant before the issuance of the conditional use permit. Other regulations for conditional use permits are as follows:
 - 1. The board of zoning adjustments may attach necessary conditions such as time limitations, requirements that one or more things be done before the request can be initiated, or conditions of a continuing nature. Any such conditions shall be recorded in the board's minutes and on the conditional use, along with reference to the specific section in the zoning regulation listing the conditional use under consideration. The board of zoning adjustment shall have the power to revoke conditional use permits, or variances for non-compliance with the conditions thereof. Furthermore, the board shall have the right of action to compel offending structures or uses removed at the cost of the violator and may have judgment in person for such cost.
 - 2. Granting of a conditional use permit does not exempt the applicant from complying with all of the requirements of this ordinance and other ordinances and regulations of the City of Harrodsburg.

3. A conditional use permit shall be exercised within one (1) year from the date of issuance within the meaning of KRS 100.237.
4. The enforcement officer shall review all conditional use permits, except for those for which all conditions have been permanently satisfied, at least once annually, and shall have the power to inspect the land or structure where the conditional use is located in order to ascertain that the landowner is complying with all of the conditions which are listed on the conditional use permit. If the landowner is not complying with all of the conditions which are listed on the conditional use permit, the enforcement officer shall report the fact in writing to the chairman of the board of zoning adjustment. The report shall state specifically the manner in which the landowner is not complying with the conditions on the permit and a copy of the report shall be furnished to the landowner at the same time that it is furnished to the chairman of the board of zoning adjustment. Upon hearing the report, as required by KRS 100.237, if the board finds the facts alleged to be true and that the landowner has taken no steps to comply with them between the date of the report and the date of the hearing, the board may authorize the enforcement officer to revoke the conditional use permit and to take the necessary legal action to cause the termination of the activity on the land which the conditional use permit authorizes.
5. Once the board of zoning adjustment has completed a conditional use permit and all the conditions required are of such type that they can be completely and permanently satisfied, the administrative official, upon the request of the applicant may, if the facts warrant, make a determination that the conditions have been satisfied and the conclusion in the margin of the copy of the conditional use permit which is on file with the Mercer County Court Clerk, as required by KRS 100.329. Therefore, said use, if it continues to meet the other requirements of the regulations, will be treated as a permitted use.
6. As required by KRS 100.329, a copy of a conditional use permit must be filed with the county court clerk at the applicant's expense.

2.6 Planned Development project regulations

A planned-development project may be allowed in those zoning districts where it is designated as a permitted use under the zoning district regulations. (A minimum of three acres is required for a planned-development project). A planned-development project may depart from literal conformance with individual lot dimension and area regulations. A planned development project may be under single or divided ownership. All planned-development projects shall be subject to the following regulations:

- A. **Procedure:** When a planned-development project is proposed, the procedure for subdivision approval as set forth in the Harrodsburg subdivision regulations shall be followed in its entirety even though the ownership of land may not be divided.

A preliminary plat and final plat, both approved by the planning commission, shall be required for every planned-development project. The planning commission may establish a schedule of reasonable fees to be charged for plat review. The project shall be developed according to the approved final plat. Zoning permits and certificates of occupancy shall be required for each building according to section 8.2 of this zoning ordinance.

- B. **Uses and densities:** The uses of premises and development densities in a planned development project shall conform with the permitted uses and densities of the zoning district in which it is located.
- C. **Standards:** In any planned-development project, although it is permissible to depart from literal conformance with the individual lot dimension and area regulations, there shall be no diminution of total-equivalent-lot-area, parking area; and loading/unloading area requirement that would be necessary for the equivalent amount of individual lot development with one exception; the planning commission may allow reductions in these requirements if the developer can satisfactorily prove that large scale development may permit such reductions without destroying the intent of these regulations.
- D. **Special conditions:** The planning commission shall attach reasonable special conditions to insure that there shall be no departure from the intent of this zoning ordinance. The planned-development project shall conform with all such conditions. Because a planned development project is inherently more complex than individual lot development and because each such project must be tailored to the topography and neighboring uses, the standards for such projects cannot be inflexible. The planning commission shall attach special conditions based on all of the following standards in addition to imposing the standards for total area, parking area, and loading and unloading area defined in paragraph C above. The planning commission may also attach any other reasonable special conditions.
 - 1. It is desirable that access points to all arterial streets shall be located no more frequently than one every eighth to quarter mile. The planning commission may approve the platting of temporary access points in conformance with the subdivision regulations.
 - 2. Wherever there is an abrupt change in uses - e.g., residential to commercial - it is desirable that a buffer area of open space or protective planting be placed between them which will protect each use from the undesirable effects of the other.
 - 3. Parking and other areas used by the public at night shall be adequately lighted, and private areas shall be adequately protected from such lighting and any other lighting from public areas. Public streets may also require protection from excessive glare of lighted areas.

Cross reference-Subdivisions, App. B.

2.7 Mobile homes and mobile home parks

1. **Definition:** A detached residential dwelling unit designed for transportation after fabrication on streets or highways on its own wheels or on flatbed or other trailers, and arriving at the site where it is to be occupied as a dwelling complete and ready for occupancy except for minor and incidental unpacking and assembly operations, location of jacks or other temporary or permanent foundations, connections to utilities, and the like. A travel trailer is not to be considered as a mobile-home.
2. **Mobile homes permitted:** All future mobile homes shall be permitted only in mobile home parks, which shall be permitted only in R-2 and in planned development projects for residential use only.
3. **Area and density requirements:** No mobile home park shall be permitted on an area of less than two and one-half (2 1/2) acres in size, although the developer shall be permitted to develop the park in stages as long as he complies with an overall plan approved by the planning commission for the entire tract. The number of mobile homes permitted in the mobile homes park shall not exceed a density of eighteen (8) mobile homes per net acre - a net acre being the land to be subdivided into lots after streets and other required improvements have been installed.
4. **Lot requirements:** Individual lots within a mobile home park shall not be less than twenty-four (2,400) square feet in area, and in no instance shall more than one (1) mobile home be permitted on a single lot. The minimum lot width shall be forty (40) feet.
5. **Setback:** No mobile home or accessory building or structure shall be lofted closer to any street than the minimum front yard setback for permanent residential structures along said street. Where the mobile home park is not bounded by a dedicated street, the minimum setback shall be thirty (30) feet.
6. **Spacing:** No mobile home shall be lofted within thirty (30) feet from another mobile home, except that a minimum end-to-end clearance of not less than ten (10) feet shall be permitted, and in instances where the sides opposite the entrance of two (2) mobile homes face each other, the amount of space between the two mobile homes may be reduced to not less than twenty (20) feet.
7. **Utilities:** All lots within the mobile homes park shall be provided with sewer, water, and electrical facilities meeting the standards specified by city and state regulations, and each mobile home shall be properly connected with said utilities.
8. **Accessory structures:** No accessory structures or buildings, including patios, shall be lofted within five (5) feet from any individual lot line.

9. **Procedure:** Although mobile home parks are permitted in R-2 and planned development projects, the prospective developer, before attempting to obtain a building permit or beginning any construction, shall prepare a plan showing the lot dimensions and bearings of the parcel he intends to develop, location with respect to the city, general layout or design he intends to follow and improvements he expects to install on the land. He shall then meet with the planning commission, the purpose being to inform the developer of any plans the city may have that would affect his plan to ensure that the developer's plans are not in conflict with the city's future land use plan. This meeting would also form a common ground whereby the planning commission and the prospective developer could reach an understanding of the types of improvements necessary.

Before approving the development plan, the planning commission may take other conditional requirements pertaining to such things as landscaping, screening, and road requirements. These conditional requirements shall be considered as a part of the city's zoning ordinance, and failure to comply therewith shall be subject to the penalties contained therein.

10. **Non-conforming mobile homes and mobile home parks:** All mobile homes within the city which are non-conforming may continue in their present location as long as the mobile home remains stationery in its present location. If the mobile home is removed, the same mobile home, or another mobile home will not be allowed to return.

It is further provided .that existing mobile home parks legally operating at the time of passage of this ordinance may continue to operate, but shall be required to maintain a lot size of two thousand four hundred (2,400) square feet per mobile home and comply with other provisions of this ordinance. Existing occupants will be allowed to remain so long as the mobile homes remain stationery in their present location. If the mobile home is removed from the non-conforming use, the same mobile home or another mobile home will not be allowed to return.

No future mobile home shall be permanently lofted outside of an approved park. However, future mobile homes may be temporarily lofted outside of an approved mobile home park if they comply with the provisions of the zoning ordinance for residences, but shall be required to relocate within an approved park within thirty (30) days after the establishment of such park. After an approved park is installed, this temporary provision shall cease.

11. **Conflict of ordinances:** All parts of any existing ordinance in conflict herewith are hereby repealed.
12. **Exception:** This ordinance shall not be construed so as to prohibit the location or storage of a single mobile home on a lot in addition to a principal building, provided the mobile home is owned by or has permission from the occupant of the principal building or dwelling unit on the lot and .provided the mobile home is parked on the rear of the lot and the setback and yard requirements for an accessory building in

the zone are observed, and provided that the mobile home is not connected to any service utility nor used for sleeping purposes for more than two (2) weeks per year.

2.8 Junkyards

Junkyards are not designated as permitted uses in any district and are consequently nonconforming uses in all districts. They shall conform with article 2.2 of this ordinance prescribing regulations for nonconforming uses. The enforcement officer shall ensure that all existing junkyards maintain valid permits to operate issued by the Kentucky Department of Highways, as required by Kentucky Revised Statutes 177.905 through 177.960, and he shall ensure that all screening required by the Department of Highways is maintained as long as the junkyards remain in operation.

GENERAL REGULATIONS FOR LOTS AND YARDS

2.9 Reductions in lot area

No lot, even though it may consist of one or more adjacent lots of record, shall be reduced in area if other applicable requirements of this ordinance are not met.

GENERAL REGULATIONS FOR VEHICLES

2.10 Off-street automobile parking and storage

Permanent off-street automobile storage, parking or standing space shall be provided as set forth below at the time of the erection of any building or structure, at the time any principal building or structure is enlarged or increased in capacity by adding dwelling units, guest rooms, seats or floor area, or before conversion from one zoning use or occupancy to another. Such space shall be provided with vehicular access to a street or alley. This space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner. No required front yard or portion thereof in any residential district shall be utilized to provide parking space required in this ordinance. These parking space requirements shall not apply in the central business district (B-3). At least the following minimum parking space requirements for specific uses shall be provided:

1. **Bowling alleys, recreation centers, swimming pools, skating rinks and other recreation and amusement facilities:** One (1) parking space for every five (5) customers computed on the basis of maximum servicing capacity at anyone time plus one (1) additional space for every two (2) persons regularly employed on the premises.
2. **Clubhouses and permanent meeting places of veterans, business, civic, fraternal, labor and similar organizations:** One (1) parking space for every fifty (50) square feet of aggregate floor area in the auditorium, assembly hall and

dining room of such building plus one (1) additional space for every two (2) persons regularly employed on the premises.

3. **Dormitories, fraternity houses and sorority houses:** One (1) parking space for every two (2) beds occupied at maximum capacity. This requirement is in addition to the parking space requirements for education establishments set forth in subsection 27.
4. **Funeral homes and undertaking establishments:** Parking or storage space for all vehicles used directly in the conduct of the business plus one (1) parking space for every two (2) persons regularly employed on the premises and one (1) space for every six (6) seats in the auditorium or chapel of such establishments. If the establishment does not have a chapel or auditorium, the additional parking to be required for funeral visitors shall be determined by the board of zoning adjustments based on the number of funerals that can be handled at one time, the size of the facilities and other relevant factors.
5. **Hospitals:** One (1) parking space for every two (2) beds intended for patients, excluding bassinets.
6. **Indoor retail businesses:** parking or storage space for all vehicles used directly in the conduct of such business plus four (4) parking spaces for the first one thousand (1,000) square feet of total floor area and one (1) additional space for every additional one hundred and fifty (150) square feet of floor area.
7. **Industrial plants and facilities:** Parking or storage space for all vehicles used directly in the conduct of such industrial use plus one (1) parking space for every three (3) employees on the premises at maximum employment on a single shift.
8. **Junior and senior high schools:** One (1) parking space for every five (5) seats occupied at maximum capacity in the assembly hall, auditorium, stadium, or gymnasium of greatest capacity on the school grounds or campus. If the school has no assembly hall, auditorium, stadium or gymnasium, one (1) parking space shall be provided for each person regularly employed at such school plus two (2) additional spaces for each classroom.
9. **Libraries, museums, post offices, civic centers and similar establishments:** Parking or storage space for all vehicles used directly in the operation of such establishment plus four (4) parking spaces for the first one thousand (1,000) square feet of total floor area and one (1) additional space for every additional one hundred and fifty (150) square feet of floor area.
10. **Medical and dental clinics:** Three (3) parking spaces for each doctor plus one (1) additional space for every two (2) regular employees.

11. **Mobile home parks:** One (1) parking space for each mobile home used for dwelling or sleeping purposes.
12. **Nurses homes:** One (1) parking space for every two (2) beds occupied at maximum capacity. This requirement is in addition to the parking space requirements for hospitals set forth in subsection 5.
13. **Offices:** One (1) parking space for every two hundred (200) square feet of office space.
14. **Outdoor retail businesses:** Parking or storage space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person employed on the premises based on maximum seasonal employment, and such additional space as may be required by the board of zoning adjustment based on the nature of the business and other relevant factors.
15. **Public and private elementary schools:** One (1) parking space for each person regularly employed at such school plus one (1) additional space for each classroom.
16. **Public garages:** Indoor or outdoor parking or storage space for all vehicles used directly in, the conduct of such business plus three (3) parking spaces for each person regularly employed on the premises.
17. **Repair shops, plumbing shops, electrical shops, roofing shops and other service establishments:** Parking or storage space for all vehicles used directly in the conduct of the business plus two (2) parking spaces for each person regularly employed on the premises.
18. **Residences and apartment houses:** One (1) parking space for each dwelling unit or apartment.
19. **Restaurants and other eating and drinking establishments:** One (1) parking space for every one hundred (100) square feet of total floor area.
20. **Rooming and boarding houses:** One (1) parking space for each sleeping room occupied by roomers or boarders plus one (1) space for each dwelling unit on the premises and plus one (1) additional space for every two (2) persons regularly employed on the premises.
21. **Self-service laundries:** One (1) parking space for every two (2) washing machines.
22. **Service stations:** Parking or storage space for all vehicles used directly in the conduct of the business plus one (1) parking space for each gas pump, three (3) spaces for each grease rack or similar facility, and "one (1) space for every two

(2) persons employed on the premises at maximum employment on a single shift.

23. **Theaters, auditoriums, churches, stadiums and other places of public assembly:** One (1) parking space for every five (5) seats occupied at maximum capacity.
24. **Tourist homes, tourist courts, motels and hotels:** One (1) parking space for each sleeping room offered for tourist accommodation plus one (1) space for each dwelling unit on the premises and plus one (1) additional space for every two (2) persons regularly employed on the premises.
25. **Transportation terminals:** One (1) parking space for everyone hundred (100) square feet of waiting room space plus one additional space for every two (2) persons regularly employed on the premises.
26. **Universities, colleges, academies, and similar institutions of higher learning:** One (1) parking space for every five (5) seats occupied at maximum capacity in the assembly hall, auditorium, stadium or gymnasium of greatest capacity on the campus. If the institution has no assembly hall, auditorium, stadium or gymnasium, one (1) parking space shall be provided for each person regularly employed at such institution plus five (6) additional spaces for each classroom.
27. **Warehouses, freight terminals and trucking terminals:** Parking or storage space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person regularly employed on the premises.
28. **Wholesale businesses:** Parking or storage space for all vehicles used directly in the conduct of such business plus two (2) parking spaces for each person employed on the premises based on maximum seasonal employment.

If the vehicle storage space or standing space required above cannot be reasonably provided on the same lot on which the principal use is conducted, the board of zoning adjustment may permit such space to be provided on other off-street property provided such space lies within four hundred (400) feet of the main entrance to such principal use. Such vehicle parking space shall be deemed to be required open space associated with the permitted use and shall not thereafter be reduced or encroached upon in any manner:

Vehicle parking or storage space maintained in connection with an existing and continuing principal building, structure or land use on the effective date of this ordinance or amendment thereto up to the number required by this ordinance shall be continued and may not be counted as serving a new building, structure, addition or land use; nor shall any required parking space be substituted for an

off-street loading and unloading space, nor any required loading and unloading space substituted for a parking space.

The required parking space for any number of separate uses may be combined in one lot, but the required space assigned to one use may not be assigned to another use at the same time, except that one-half of the parking space required for churches, theaters or assembly halls whose peak attendance will be at night or on Sunday may be assigned to a use which will be closed at night or on Sunday.

No off-street automobile parking or storage area shall be used or designed, arranged, or constructed to be used in a manner that will obstruct or interfere with the free use of any street, alley or adjoining property.

The parking spaces provided along with their necessary driveways and passageways shall be paved in a manner adequate to eliminate dust and mud problems. Plans for such parking spaces are to be included with the plans for construction of buildings and other structures and are to be presented to the building inspector at the time applications for building permits are filed. Such parking areas are to be kept free of obstructions and unsightly objects. Intersections of parking areas with sidewalks or street pavements must be made in an approved manner. Provision must be made for the adequate drainage of parking areas.

No commercial motor vehicle of more than one (1) ton capacity shall be parked or stored overnight either on or off the street in any residential district.

Cross reference-Parking, stopping and standing, § 16-31 et seq.

2.11 Off-street loading and unloading space

Every building or structure used for business, trade or industry shall provide space as herein indicated for the loading and unloading of vehicles off the street or public alley. Such space shall have access to a public alley, or if there is no alley to a street. Off-street loading and unloading space shall be in addition to and not considered as meeting a part of the requirements for off-street parking space. Off-street loading and unloading space shall not be used or designed, intended or constructed to be used in a manner to obstruct or interfere with the free use of any street, alley or adjoining property. At least the following off street loading and unloading space requirements for specific uses shall be provided:

1. **Retail businesses and service establishments:** One (1) off-street loading and unloading space at least twelve (12) feet by thirty-five (35) feet for every three thousand (3,000) square feet of total floor area.

2. **Industrial plants:** One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every ten thousand (10,000) square feet of total floor area.
3. **Warehouses and wholesale storage facilities:** One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every seventy-five hundred (7,500) square feet of total floor area.
4. **Freight terminals and trucking terminals:** One (1) off-street loading and unloading space at least twelve (12) feet by fifty (50) feet for every five thousand (5,000) square feet of total floor area.

2.12 Setback lines

1. **Building setback line:** A building line' to establish a front yard for all buildings and structures shall be established at a distance from the street right-of-way equivalent to one-half (1/2) the width of the right-of-way of the street on which the building fronts. In no case shall this distance be less than twenty-five (25) feet.

Variances may be granted where existing development on adjoining lots does not meet this front yard requirement.

This section of the ordinance shall not apply to the central business district.

2. **Obstructions to vision at street intersections prohibited:** On any corner lot in all districts, except the central business district, there shall be no obstruction to traffic visibility within thirty five (35) feet of the intersection of any two (2) street right-of-way lines. The requirements of this section shall not be deemed to prohibit any necessary retaining wall.
3. **Yard requirements for corner lots:** The side yard requirements for all buildings on corner lots shall be such that no corner lot buildings extend toward the side street more than ten (10) feet beyond the setback line set for buildings along the street considered to be the side street to the corner lot.
4. **Front yard requirements for double frontage lots:** Double frontage lots shall meet the front yard requirements of the district or districts in which they are located on both of the streets upon which they front.
5. **Required yard not to be used by another building:** No part of a yard required about any building for the purpose of complying with the provisions of this ordinance shall be included as a part of a yard required by this ordinance for another building.

ARTICLE III. ESTABLISHMENT OF DISTRICT'S

For the purpose of this ordinance, the City of Harrodsburg is hereby divided into eight (8) districts. The districts are as follows:

- R-1 Residential District (Low Density)
- R-2 Residential District (Medium Density)
- H Historic Harrodsburg District
- B-1 Neighborhood Business District
- B-2 General Business District
- B-3 Central Business District
- I-1 Light Industrial District
- I-2 Heavy Industrial District

3.1 Official zoning map

The city is hereby divided into zones or districts as shown on the Official Zoning Map, Harrodsburg, Kentucky, which together with all explanatory matter thereon, is hereby adopted by reference and declared to be a part of this ordinance.

The official zoning map shall be identified by the signature of the mayor attested by the clerk, and bearing the seal of the city under the following words: "This is to certify that this is the official zoning map referred to in section 1 of the Zoning Ordinance of the City of Harrodsburg, Kentucky", together with the date of 'the adoption of this ordinance.

If, in accordance with the provisions of this ordinance and KRS Ch. 100, changes are made in district boundaries or other matter portrayed on the official zoning map, such changes shall be entered on the official zoning map promptly after the amendment has been approved by the city commission, with an entry on the official zoning map as follows: "On (date), by official action of the city commission, the following (change) changes were made in the official zoning map: {brief description of nature of change)," which entry shall be signed by the mayor and attested by the city clerk. No amendment to this ordinance which involves matter portrayed on the official zoning map shall become effective until after such change and entry has been made on said map.

No changes of any nature shall be made in the official zoning map or matter shown thereon except in conformity with the procedures set forth in this ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this ordinance and punishable as provided, under sections 8.3 and 8.4.

Regardless of the existence of purported copies of the official zoning map and ordinance which may from time to time be made or published, the official zoning map and ordinance which shall be kept in the office of the county clerk shall be the final authority as to the current zoning status of land and water areas, buildings, and other structures in the city. Copies of the zoning map and ordinance are also on file in the Harrodsburg City Clerk's Office.

Editor's note-The official zoning map is also on file in the office of the zoning enforcement officer.

3.2 Replacement of official zoning map

In the event that the official zoning map becomes damaged, destroyed, lost, or difficult to interpret because of the nature or number of changes and additions, the city commission may by ordinance adopt a new official zoning map which shall supersede the prior official zoning map. The new official zoning map 'may correct drafting or other errors or omissions in the prior official zoning map, but no such correction shall have the effect of amending the original official zoning map 01: any subsequent amendments thereof. The new official zoning map shall be identified by the signature of the mayor attested by the city clerk, and bearing the seal of the city under the following words: "This is to certify that this official zoning map supersedes and replaces the official zoning map adopted (date of adoption of map being replaced as part of the zoning ordinance of the City of Harrodsburg, Kentucky." Unless the prior official zoning map has been lost, or has been totally destroyed, the prior map or any significant parts thereof remaining, shall be preserved, together with all available records pertaining to its adoption or amendment.

3.3 Interpretation of zoning district boundaries

The following rules shall be used to interpret the exact location of the zoning district boundaries shown on the zoning map:

- A. Where a zoning district boundary follows a street or railroad the center line of the street or railroad right-of-way is the boundary of the district.
- B. Where a zoning district boundary approximately follows a lot or property line, that line is the boundary of the district.
- C. Where a zoning district boundary follows a stream or the shore of a body of water, that stream or shore line is the boundary of the district.
- D. Where a zoning district boundary does not clearly follow any of the features mentioned above, its exact location on the ground shall be determined by measurement according to the map scale.
- E. In any case where the exact location of a boundary is not clear, the board of zoning adjustment and appeals shall use these rules to determine the exact location upon application by the enforcement officer for an original interpretation.

3.4 Areas unassigned to a zoning district

In case any area in which the zoning ordinance does not apply hereafter is to be annexed to the City of Harrodsburg, the planning commission shall initiate the amendment procedure to assign such areas to a zoning district *prior* to its annexation. The planning commission must hold a hearing and recommend appropriate zoning for the territory to be annexed.

ARTICLE IV. PROVISIONS GOVERNING RESIDENCE DISTRICTS

4.1 Residential districts

R-1 Districts (low density); Single Family Dwellings.

R-2 Districts (medium density); Single, Multiple Family and Townhouse Dwellings.

Within all Residence Districts (R-1 and R-2) the following regulations shall apply:

A. Uses permitted

- a) Customary general horticultural uses and buildings incidental thereto.
- b) The following uses are conditional uses and require written approval of the board of zoning adjustment:
 - a) Churches and other places of worship; parish houses; public libraries; schools offering general educational courses; public parks and noncommercial public recreational utilities; funeral homes; cemeteries, hospitals for human care, philanthropic institutions and clubs, except a club the chief activity of which is customarily carried on as a business. The board of zoning adjustment may attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district in which the proposed use would locate.
 - b) Professional offices, studios or customary incidental home occupations conducted within the principal building but only by a person resident in the dwelling, provided, no more than one person not a resident of the premises, is employed and that no more than twenty-five (25) percent of the total floor area in any dwelling unit is devoted to such use. For the purpose of advertising such use, one unlighted sign not over two (2) square feet in area may be used. No displays or change in façade shall indicate from the exterior that the building is being utilized in whole or in part for any purpose other than a dwelling. The board of zoning adjustment may attach certain conditions to its approval which it feels are necessary requirements in order to preserve and protect the character of the district in which the proposed use would locate.
 - c) Accessory buildings or uses customarily incidental to any aforementioned permitted use, under the following conditions:

1. The taking of boarders or tourists or the leasing of rooms by the family resident on the premises providing not more than four (4) rooms are used for such purposes. For purposes of advertising such use, one sign, not over two (2) square feet in area may be used.
 2. Real estate signs advertising the sale, rental or lease of only the premises on which they are maintained, not over twelve (12) square feet in area.
 3. Other signs of a noncommercial nature may be permitted as conditional uses by the board of zoning adjustment if the board determines the sign provides an essential informational service to the public. The board may attach limitations on the size and type of sign so as to protect the appearance and character of the district.
 4. Bed & Breakfast establishments – A person or business who operates an authorized Bed & Breakfast that desires to have any type of the following activities at the Bed & Breakfast such as a tea room, hosting weddings or receptions, or other forms of similar activities, shall apply first to the Board of Adjustments and Appeals of the Greater Harrodsburg/Mercer County Planning & Zoning Commission for approval as Conditional Use. The procedure to apply to the Board of Adjustments and Appeals is set out in Article II, Section 2.5 of this Ordinance. The Board of Adjustments and Appeals may grant a conditional use permit for the type of business or activity purposed and if it will have any adverse effects in the area of the Bed & Breakfast, and interfere with quality of life in the proposed area, or affect the property values and/or character of the surrounding neighborhood.
- d) Private swimming pools, when they meet yard depth and width requirements for principal buildings in the district in which they are located and when the swimming pool or the property on which it is located is adequately fenced to prevent the free access of small children.

B. Uses prohibited

- a) Advertising signs and billboards with the exception of the signs specifically permitted under section 4.1A. third paragraph and a sign or signs already existing on the premises of a nonconforming use at the time of the enactment or subsequent amendment of this ordinance or at the time the area in which the nonconforming use is located is annexed to the City of Harrodsburg provided such sign or signs advertise goods actually sold or services actually rendered on the

premises on the nonconforming use. Signs, except those of a public nature shall not be placed on or project over public property.

- b) Any other use not specifically permitted under section 4.1A. Mobile homes are prohibited.

D. Dimensional Requirements

- a) Height

No building shall exceed two (2) stories or thirty (30) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty (30) feet. In no case shall the height exceed fifty (50) feet.

- b) Front, Side and Rear Yard Setbacks

All buildings, except unattached one story buildings or accessory use shall have the following minimum yard space:

Front depth – 25 feet
Rear depth - 20 feet
Side width –R-1 District – 12 feet
R-2 District – 8 feet

Unattached one-story buildings of accessory use, unless there is a party wall, shall have the following minimum space to the lot line:

Rear depth – 5 feet
Side width – 5 feet

- c) Yard requirements on corner lots

The side yard requirements for all buildings on corner lots shall be such that no corner lot buildings extend toward the side street more than ten (10) feet beyond the setback line set for buildings along the street considered to be the side street to the corner lot.

4.2 R-1 districts (low density residential)

A. Required lot area and width

The minimum required lot area for a single family dwelling is 10,000 square feet; minimum lot width is 75 feet.

If the dwelling is not served by sanitary sewer, the minimum lot area shall be 12,000 square feet, and minimum lot width at building line is 100 feet.

4.3 R-2 districts (medium density residential)

A. One Family Dwellings

Minimum required lot area for a one-family dwelling is 6,000 square feet.
Minimum required lot width at building line for one-family dwelling is 50 ft.

If the dwelling is not served by sanitary sewer, the requirements of the R-1 district shall apply.

B. Multi-family Dwellings

Minimum required lot area for multi-family dwelling is 6,000 square feet plus 3,000 feet for each additional dwelling unit. The minimum required lot width at building line for multi-family dwellings is 75 ft.

If the dwelling is not served by sanitary sewer, the requirements of the R-1 district shall apply.

C. Townhouse Dwelling Units

R-2 Townhouse Units

1. A duplex or multi-family building may be subdivided into separate lots provided that the original lot meets all current zoning requirements (lot square footage, lot frontage, all setbacks for proposed building, etc.) for the proposed multi-family building.
2. The minimum lot frontage may be reduced to eighteen (18) feet per unit. The minimum building width shall be eighteen (18) feet. The property lines of each separate unit are to be located within the common walls of each separate unit.
3. The minimum lot size shall be 1,800 square feet per unit.
4. The minimum side yard setback requirement is eliminated for all interior separate units.
5. The minimum side yard setback is eliminated on the interior side of all outer units.
6. The minimum side yard setback of the exterior wall of all outer units shall be eight (8) feet.

7. The front setback of each separate unit shall be twenty five (25) feet.
8. The rear setback of each separate unit shall be twenty (20) feet.
9. There shall be a minimum of two (2) off-street parking spaces provided for each separate unit. The driveways for the parking spaces of each unit shall be physically separated to adequately ensure the integrity of the separate driveways.
10. No building shall exceed two (2) stories or thirty (30) feet in height, unless each side yard is increased over the required minimum by five (5) feet for every five (5) feet, or fraction thereof, of additional height over thirty (30) feet. In no case shall the height exceed fifty (50) feet.
11. There shall be a minimum three (3) foot front to rear offset between all units.
12. Not less than 180 square feet of the total lot area for any townhouse units shall be devoted to private useable open space on each lot. Such open space shall be for the private use of the residents of each individual townhouse and shall be physically separated from other private open space or common space by plantings, fences, or walls. The least dimension of the private open space shall be ten (10) feet.
13. A development plan (Preliminary Plat) of the proposed construction and subdivision shall be approved by the Planning and Zoning Commission prior to the issuance of a building permit or starting construction. (This is to allow Planning and Zoning the opportunity to evaluate the site for feasibility and drainage for the location).
14. The builder shall provide the building inspector with a set of plans prepared by a licensed architect which shows that all separation walls meet the current building code for the State of Kentucky at the time of obtaining a building permit.
15. A final subdivision plat shall be presented to Harrodsburg/Mercer County Planning and Zoning Commission showing the location of the building(s) and the subdivision of the building(s) into separate lots after construction of the foundation and prior to the framing construction to ensure that the property lines are located in the common walls and otherwise meet all requirements.
16. If the dwellings are not served by sanitary sewer, the requirements of the R-1 district shall apply.

4.4 Historic Harrodsburg district

This district is regulated to promote cultural and economic welfare by

preserving the unique architectural character and appearance of old Harrodsburg. Within the Historic Harrodsburg District, the following regulations shall apply:

A. Uses permitted

Any use permitted in the R-2 medium density residential district.

Offices such as that of a physician, dentist, lawyer, musician, engineer, or other professional person, government offices, banks, buildings and loan associations; provided, however that no retail business, unless specifically defined herein, shall be conducted within this area.

The use of a part of existing dwellings or their accessory buildings if constructed prior to 1870, as studios, tearooms, gift, antique, book and handicraft shops; and other similar purposes having a relation to historic interest; provided that no alterations, other than those necessary to assure the safety of the structure shall be made to any building for the purpose of maintaining such accessory uses unless approved by the board of zoning adjustment.

B. Uses prohibited

Any use not specifically permitted in this article.

C. Procedure

In order to promote general welfare through the preservation of historic places and areas of historic interest, applications for building permits and for certificates of occupancy in the Historic Harrodsburg District must be approved by the board of zoning adjustment as to exterior of buildings and grounds which are subject to public view from a public street or way before building permits or certificates of occupancy may be issued by the building inspector. Such requirement is in addition to the other provisions of this ordinance.

Evidence of such required approval shall be a certificate of appropriateness issued by the board of zoning adjustment. Such certificate shall be a statement signed by the chairman of the board stating that the exterior architectural features of the proposed construction, reconstruction, alteration, restoration or use for which application has been made are approved by the board.

D. Meetings

The board shall meet within ten (10) days after notification by the building inspector of the filing of an application for a building permit or certificate of occupancy for a case upon which it is required to pass, and at such other times as the board may determine or upon call of the chairman.

E. Power and duties

It shall be the function and duty of the board to pass upon the appropriateness of exterior features of grounds, buildings and structures hereafter erected, reconstructed, altered or restored, in the Historic Harrodsburg District wherever such exterior features are subject to public view from a public street or way.

F. Review of Plans

All plans, elevations and other information necessary to determine the appropriateness of the features to be passed upon, together with a copy of the application for building permit or certificate of occupancy shall be made available to the board by the building inspector.

The board in passing upon cases shall consider, among other things, the general design, arrangement, landscaping, texture, material and color of the building or structure in question and the relation of such factors to similar features of buildings and grounds in the immediate surroundings. The board shall not consider detailed design; relative size of the buildings in plan; interior arrangement; or building or lot features not subject to public view; nor shall it make requirements except for the purposes of preventing development obviously incongruous to the old historic aspects of the surroundings.

In case of disapproval, the board shall state the reasons therefore in a written statement to the applicant and may advise the applicant and make recommendations thereto in regard to appropriateness of design, arrangement, texture, materials, color and the like of the property involved.

Upon approval of the plans, the board shall forthwith transmit a report to the building inspector stating the basis upon which such approval was made and cause a certificate of appropriateness to be issued to the applicant. If the board shall fail to take final action upon any case within forty-five (45) days after the date of application for permits, the case shall be deemed to be disapproved, except where mutual agreement has been made for an extension of the time limit.

G. Required building setback line lot area and yard dimensions

Buildings shall comply with the setback, lot and yard requirements of an R-2 medium density residential district, except that the board may vary requirements to conform to surrounding properties.

ARTICLE V. PROVISIONS GOVERNING BUSINESS DISTRICTS

5.1 Neighborhood business districts (B-1)

Within the neighborhood business districts the following regulations shall apply:

A. Uses Permitted

Any use permitted in a residential district.

Bank, barber shop, beauty shop, clinic, drug store, dry cleaners, retail and pick up station, filling station, fruit market, funeral home, grocery store, hardware store, launderette (self-service), meat market, offices, restaurant and shoe repair shop.

Retail businesses, retail service establishments and offices not specifically permitted above including stores and shops for special or custom work or for the manufacture of articles, the major portion of which are to be sold on the premises; electric transformer stations, gas regulator stations, telephone exchanges and other public utility facilities; and radio, telephone and television transmission towers and facilities and other similar retail businesses.

Business signs indicating name and type of business conducted on the premises only. Such business signs shall not project more than one (1) foot beyond the front of the buildings.

B. Uses prohibited

Any use not specifically permitted in this article and any use which in the opinion of the board of zoning adjustment would be detrimental to the development of this district as a neighborhood business district.

Free standing signs.

C. Required Lot Area and Yard Dimensions

All buildings intended for residential use, in whole or in part shall comply with the area and yard requirements of an R-2 district.

All buildings on lots adjacent to a residential zone shall be lofted so as to conform on the adjacent side with the side yard requirements of the adjacent residential district.

All buildings lofted on corner lots shall be lofted so as to conform with corner lot side yard requirements of the adjacent residential district.

All buildings shall meet height requirements of the adjacent residential district. Installation essential to the business operation shall be set back from the street or

alley so that any service rendered by the business will not obstruct a public way.

5.2 General business districts (B-2)

Within the general business districts the following regulations shall apply:

A. Uses permitted

Any use permitted in a neighborhood business district.

Any retail business or retail service, including the making of articles to be sold at retail on the premises. Any such manufacturing or professing shall be incidental to a retail business or service and not more than five (5) persons shall be employed in such manufacturing.

Places of amusement and assembly, offices, hotels, motels, public garages and other motor vehicle service. .

Similar commercial uses and trailer parks are special exceptions and shall require written approval of the board of zoning adjustment.

Any accessory use or building, customarily incidental to the above permitted uses.

Free standing signs, provided that they are lofted a minimum of five (5) feet from the street right-of-way line and three (3) feet from any lot line.

B. Uses Prohibited

Any business which is primarily of a wholesale, storage, or warehousing nature.

Animal hospital, coal or lumber yard, dairy, bottling works, dry cleaning plants, electrical welding, live animal or poultry sales, gasoline, petroleum products plant, laundry or bakery employing more than five (5) persons and any similar uses which in the opinion of the board of zoning adjustment would be detrimental to the development of this district as a retail shopping area.

C. Required lot area and yard area

All buildings intended for residential use, in whole or in part, shall comply with the area and yard requirements of an R-2 district.

All buildings on lots adjacent to a residential zone shall be lofted so as to conform on the adjacent side with side yard requirements for residential districts.

All buildings on corner lots shall be lofted so as to conform with corner lot side yard requirements of residential districts.

D. Height

All buildings shall meet the height requirements for residential districts.

5.3 Central business district (B-3)

A. Uses permitted

Any use permitted in a general business district.

Signs, awnings, marquees and outdoor advertising structures under the following conditions:

1. Such signs shall extend no further than four and one-half (4 1/2) feet from the front of a building or to within one (1) foot of the paved area or carriageway of street.
2. Awnings and marquees shall have a clearance of eight (8) feet above the sidewalk and shall not be supported from the sidewalk.

B. Uses prohibited

Any use prohibited in the General Business District.

C. Required lot area and yard area

All buildings intended for residential use in whole or in part shall comply with the area and yard requirements of an R-2 district.

All buildings on lots adjacent to a residential zone shall be lofted as to conform on the adjacent side with the side yard requirements for residential districts.

D. Height

No building shall exceed four (4) stories or fifty (50) feet in height.

ARTICLE VI. PROVISIONS GOVERNING INDUSTRIAL DISTRICTS

6.1 Light industrial districts

Within the light industrial districts, the following regulations shall apply:

A. Uses permitted

Any use permitted in Central Business Districts.

Wholesale, storage; warehouse; animal hospital; bakery; bottling works; building material yard; cabinet making; carpenter's shop; clothing manufacture; dairy; dyeing and dry-cleaning works; fruit canning or packing; ice plants; laundry; milk distribution station; optical goods; paper boxes, pencils; printing, publication or engraving; and trucking terminals.

Gasoline, oil or alcohol storage above ground in excess of five hundred (500) gallons and other industrial uses not listed above shall be considered conditional uses and will require written approval of the board of zoning adjustment. The board shall grant such approval if it determines that the proposed uses will not constitute a fire hazard or emit smoke, noise, odor or dust which would be obnoxious or detrimental to neighboring properties.

All signs and outdoor advertising structures, except that no sign or advertising structure shall be placed or shall project closer than five (5) feet to any public right-of-way or three (3) feet from any other lot line of the property on which it is lofted.

B. Uses prohibited

Stockyards and slaughter houses; automobile salvage and wrecking establishments; and junk, scrap paper and rag storage and baling establishments.

C. Required side and rear yards

All buildings shall have side and rear yard depths of at least ten (10) feet.

On lots adjacent to a residential district all buildings shall be so lofted so as to provide a minimum yard of twenty-five (25) feet on the side adjacent to the residential district. Streets, rail or public rights-of-way may be included in the yard requirements of this subsection.

D. Height

No building shall exceed fifty (50) feet.

6.2 Heavy industrial districts

Within the heavy industrial districts, the following regulations shall apply:

A. Uses permitted

Any use permitted in general industrial districts. Except that no building, structure or portion thereof shall be erected, constructed or used for any dwelling use.

Any industrial use not in conflict with any other ordinance of the City of Harrodsburg, provided, however, that the following uses shall be considered conditional uses and will require the written approval of the board of zoning adjustment: Bag cleaning, boiler and tank works; central mixing plant for cement, mortar, plaster or paving materials, coke oven; curing, tanning and storage of raw hides and skins; distillation of bones, coal, wood or tar; fat rendering; forge plant; foundry or metal fabrication plant, gasoline or oil storage above ground in excess of five hundred (500) gallons; slaughter house or stockyards; smelting plant; and the manufacture of acetylene, acid, alcohol or alcoholic beverages, ammonia.. bleaching powder, chemicals, brick pottery, terra-cotta or tile; candles; disinfectants; dyestuffs; fertilizers; illuminating or heating gas (or storage of same); linseed oil, paint, oil, turpentine, varnish, soap, and tar products, or any other use which in the opinion of the board of zoning adjustment would emit detrimental or obnoxious noise, vibrations beyond the confines of its property. The board shall grant such approval if it determines that the proposed use will not extend its detrimental or obnoxious effects beyond the limits of the heavy industrial district in which it is located.

B. Required side yards

On lots adjacent to a residential zone, all buildings shall be located so as to provide a minimum side yard of fifty (50) feet on the side adjacent to the residential district. Streets or public rights-of-way may be included in the side yard requirement of this subsection.

C. Height

No building shall exceed fifty (50) feet.

ARTICLE VII. EXCEPTIONS AND MODIFICATIONS

7.1 Lot of record

The owner of a lot of official record, which lot at the time of the adoption of this ordinance does not include sufficient land to conform to the yard or other requirements of this ordinance, may submit an application to the board of zoning adjustment for a variance from the terms of this ordinance in accordance with provisions of article IX. Such lot may be used as a building site, provided, however, that the yard and other requirements of the district are complied with as closely as is possible in the opinion of the board of zoning adjustment.

7.2 Group housing

In the case of group housing of two (2) or more buildings to be constructed on a plot of ground, not subdivided into the customary streets and lots, and which will not be so subdivided or where the existing or contemplated street and lot layout make it impracticable to apply the requirements of this ordinance to the individual building units in such group housing, the application of the terms of this ordinance may be varied by the board of zoning adjustment in a manner which will be in harmony with the character of the neighborhood. However, in no case shall the board of zoning adjustment authorize a use prohibited in the district in which the housing is to be located, or a smaller lot area per family than the minimum required in such district, or a greater height, or a smaller yard area than the requirements of this ordinance permit in such a district.

7.3 Exception on height limits

The height limitations of this ordinance shall not apply to church spires, belfries, cupolas, and domes not intended for human occupancy; monuments, water towers, observation towers, transmission towers, windmills, chimneys, smokestacks, derricks, conveyors, flag poles, radio towers, masts, and aerials.

7.4 Application Fee to Construct a Wireless Communications Facility

The Greater Harrodsburg/Mercer County Planning & Zoning Commission may charge an application fee that is reasonably related to the expenses associated with processing an application to construct a cellular antenna tower and to issue any necessary permits; including building permits, up to a maximum of \$2,500.00.

ARTICLE VIII. ENFORCEMENT

8.1 Enforcement officer

The provisions of this ordinance shall be administered and enforced by a zoning enforcement officer appointed by the city commission, who shall have the power to make inspection of buildings or premises necessary to carry out his duties in the enforcement of this ordinance. The enforcement officer may perform other functions for the city such as building inspector.

Editor's note-The zoning enforcement officer is responsible for ensuring compliance with all applicable regulations relating to the national flood insurance program.

8.2 Building permits and certificates of occupancy

The building permit insures that the contemplated use is in accord with those permitted in that district and that all dimensional and other requirements of the zoning ordinance are met.

A. Building permit required

It shall be unlawful to commence the excavation for or the construction of any building, including accessory buildings, or to commence the moving or alteration of any buildings, including accessory buildings, until the zoning enforcement officer has issued a building permit for such work.

B. Issuance of building permit

In applying to the zoning enforcement officer for a building permit, the applicant shall submit a dimensioned sketch or scale plan indicating the shape, size and height and location of all buildings to be erected, altered, or moved .and of any building already on the lot. He shall also state the existing and intended use of all such buildings and supply such other information as may be required by the zoning enforcement officer for determining whether the provisions of this ordinance are being observed.

If the proposed excavation or construction as set forth in the application are in conformity with the provisions of this ordinance, and other ordinances of the city, then in force, the zoning enforcement officer shall issue a building permit for such excavation or construction. If a building permit is refused, the zoning enforcement officer shall state such refusal in writing, with the cause, and shall immediately thereupon mail notice of such refusal to the applicant at the address indicated in the application. The zoning enforcement officer shall grant or deny the permit within ten (10) days from the date the application is submitted.

1. The issuance of a permit shall, in no case, be construed as waiving any provisions of this ordinance.
2. A building permit shall become void one (1) year from the date of issuance unless substantial progress has been made by that date on the project described therein.
3. Applications for a building permit shall be accompanied by a fee according to a schedule set by the board of city commissioners.

C. Certificate of Occupancy

No land or building or part thereof hereafter erected or altered in its use or structure shall be used until the zoning enforcement officer shall have issued a certificate of occupancy stating that such land, building, or part thereof and the proposed use thereof are found to be in conformity with the provisions of this ordinance.

Within three days after notification that a building or premises or part thereof is ready for occupancy or use, it shall be the duty of the zoning enforcement officer to make a final inspection thereof and to issue a certificate of occupancy if the land, building or part thereof and the proposed use thereof are found to conform with the provisions of this ordinance; or, if such certification is refused, to slate such refusal in writing, with cause, and immediately thereupon mail notice of such refusal to the applicant at the address indicated in the application.

8.3 Penalties

Any person violating any provision of this ordinance shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars (\$10.00) nor more than five hundred dollars (\$500.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

8.4 Remedies

In case any building or structure is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this ordinance, the zoning enforcement officer or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute an injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of such building, structure or land.

ARTICLE IX. BOARD OF ZONING ADJUSTMENT

9.1 Appointment and procedures

A board of adjustment is hereby established, which shall consist of three (3), five (5), or seven (7) members, all of whom must be citizen members, and not more than two (2) of whom may be citizen members of the planning commission. Members shall be appointed by the mayor, subject to the approval of the city commission, each for a period of four (4) years, but the term of office of members first appointed shall be staggered so that a proportionate number serve one (1), two (2), three (3), and four (4) years respectively. Members of the board of adjustment may be removed from office by the appropriate appointing authority for cause upon written charges and after public hearing. Vacancies shall be filled within sixty (60) days by the appropriate appointing authority. (Note: KRS 100.217)

9.2 Powers

The board of adjustment shall have the following powers:

A. Administrative review

The board of adjustment shall have the power to hear and decide cases where it is alleged by an applicant that there is error in any order, requirement, decision, grant or refusal made by the enforcement officer in the enforcement of the zoning regulation. Such appeal shall be taken within thirty (30) days. The board shall also make those interpretations and decisions specifically delegated to it by the provisions of the zoning ordinance.

B. Conditional use permits

The board shall have the power to hear and decide applications for conditional uses in conformance with section 2.5 of this ordinance, pursuant to KRS 100.237.

C. Nonconforming uses

The board shall have the power to decide whether any building or structure containing or being used as a nonconforming use damaged by fire, flood, wind or other act of God or man to the extent of sixty (60) per cent or more of its fair sales value immediately prior to damage shall be repaired or reconstructed except in conformity with the provisions of this ordinance according to section 2.2.

The board may permit a change from one nonconforming use to another if the new nonconforming use is the same or is in a more restrictive classification.

D. Dimensional variances

The board may vary the strict application of only the dimension and area regulations provided that unique conditions prevent strict conformance and would thus deprive the owner of the reasonable use of his premises. The board shall not grant a variance unless all of the following general conditions are met:

1. Physical conditions are unique to the lot or structure in question and do not apply to neighboring lots or structures in the same district.
2. Strict application of the dimension and area regulations would deprive the owner of the reasonable use of his lot or structure equivalent to the use of neighboring lots and structures in the same district.
3. The unique conditions are not the result of actions taken after the adoption of the zoning ordinance.
4. The granting of the variance will be harmonic with the intent of the zoning ordinance and will not be detrimental to any neighboring premises.

9.3 Procedure for appeals

An application to the board for an original interpretation or decision or an appeal from a decision of the enforcement officer shall be made in writing. An appeal must be filed within thirty (30) days after the enforcement officer has refused a building permit or certificate of occupancy or the right to appeal shall be waived. The enforcement officer shall transmit to the board the complete record of the decision appealed. The board shall hold a hearing at which all pertinent evidence concerning the interpretation, decision, or appeal shall be examined, and the board shall make its decision within two (2) weeks after the hearing. The following rules shall govern all decisions made by the board:

A. Limits of authority

The board shall act only within the strict limits of its authority as defined in the zoning ordinance. The board has no authority to vary the use regulations or other regulations not specifically delegated to it. The board shall not hold hearings on applications or appeals seeking decisions that the board is not authorized to make.

B. Special conditions

The board may attach special conditions to any decision it is authorized to make to ensure that the intent of the zoning ordinance will be carried out.

C. Majority vote required

The concurring vote of a majority of the entire membership of the board shall be necessary in making any decision. The chairman shall have the right to vote on any subject or matter before the board only in case of a tie vote in order to break the deadlock.

D. Additional powers

In exercising the above powers, the board shall have all the powers of the enforcement officer in addition to its other powers and duties.

9.4 Clarification of administrative jurisdictions

The following is a recapitulation of the agencies with jurisdiction and the extent of their jurisdictions concerning the administration of the zoning ordinance.

A. **The enforcement officer** has initial authority for the literal enforcement of the zoning ordinance. He has no discretionary authority to allow any departure from the literal conformance with the zoning ordinance.

B. **The board of zoning adjustment and appeals** has authority to hear appeals from decisions by the enforcement officer and to make literal interpretations of the pertinent provisions to correct any possible misinterpretation by the enforcement officer. The board also has the authority to make only those initial discretionary interpretations and decisions and allow only those departures from literal conformance which are specifically delegated to it. The board has authority to allow conditional uses.

C. **The circuit court** has jurisdiction to determine all questions and issues properly brought before it on appeal from decisions of the board of zoning adjustment and appeals or the planning commission according to the Kentucky Revised Statutes section 100.347.

D. **The planning commission**, in addition to its other primary responsibilities concerning adoption and amendment of the zoning ordinance and subdivision plat review and approval, has the authority and responsibility for approval or disapproval of planned development projects. This responsibility - like subdivision plat review - involves guiding the initial conversion of open or agricultural land to developed land, including the proper arrangement of streets in relation to other existing or planned streets, provision of adequate open space, and the avoidance of congestion, etc., and is consequently equivalent to the planning commission's primary responsibility for subdivision plat review and approval.

Cross reference-Greater Mercer County Planning Commission, § 12.1.

9.5 Penalties and remedies

A. Penalties

Any person violating any provisions of this regulation, Article IX, shall be guilty of a misdemeanor, and upon conviction shall be fined not less than ten dollars (\$10.00); nor more than five hundred dollars (\$500.00) for each offense. Each day such violation shall continue shall constitute a separate offense.

B. Remedies

In such case any building is erected, constructed, reconstructed, repaired, converted or maintained, or any building, structure or land is used in violation of this regulation, the enforcement officer or any other appropriate authority, or any adjacent or neighboring property owner who would be damaged by such violation, in addition to other remedies may institute an injunction, mandamus or other appropriate action or proceeding to prevent the occupancy of such building, structure, or land.

ARTICLE X. AMENDMENTS

10.1 Procedure

To make any amendment to the zoning ordinance, either to the text or to the map, the procedures outlined below shall be followed. If any use or density is not permitted in a zoning district by the provisions of the zoning ordinance, it may not be permitted by any agency unless the zoning ordinance is amended according to the amendment procedure:

A. Review by the planning commission

No amendment shall be made without first being reviewed by the planning commission. The planning commission may refuse to review proposed amendments which have been proposed and rejected within the past year.

B. Public hearing

The planning commission may call a public hearing at any time to consider a zoning amendment and may establish a separate schedule of reasonable fees to be paid by the applicant for the zoning amendment, which fees shall cover the cost of adequate advertisement of the hearing by such means as the planning commission determines to be necessary. When a hearing is scheduled on a proposal to amend any zoning map, plat, plan, text or regulation, the following notice shall be given in addition to any other notice required by statute, local regulation or ordinance:

1. It shall be the responsibility of the applicant to post conspicuously on the property a notice of the hearing of the proposed zone change as outlined in KRS 100.212.
2. Notice of the hearing shall be given at least 14 days in advance of the hearing by registered mail or by certified mail (return receipt requested) to the owners of all property adjoining the property the classification of which is proposed to be changed. It shall be the duty of the person or persons proposing the amendment to furnish to the planning commission the names and addresses of the owners of all adjoining property; and
3. Notice of the hearing must be published in a newspaper having general circulation throughout the county no less than seven and no more than 21 days before the scheduled hearing takes place.

C. Recommendations to the Legislative Body

The planning commission shall submit its recommendations to the city commission before its next official meeting. The planning commission may revise proposed amendments, in which case such amendments shall be presented again at a public hearing according to the Kentucky Revised Statutes. The planning commission may also initiate proposed amendments. After receiving the written recommendation of the planning and zoning commission, the city commission shall, at its next regular official meeting, give to the recommendation of the planning and zoning commission its first reading, with no action to be taken. At the second official meeting after receiving the planning and zoning commission's recommendation, the city commission shall act on the planning and zoning commission's recommendation by either

approving or disapproving it The decision of the city commission then shall be given (in writing) to the proper administrative official of the planning and zoning commission.

D. Action by the city commission

Adoption of the planning commission's recommendation may be by a majority of all members of the city commission. To overrule the planning commission's recommendation, a recorded vote of not less than a majority of the entire membership of the city commission shall be necessary.

Certified by Planning Commission

Date

Chairman, George W. Edwards

Adopted by the City Commissioners

Date

Mayor Ewing Anness